

ORDINANCE NO. 024-2

AN ORDINANCE SUPPLEMENTING
ORDINANCE 016-100, WHICH
AMENDED ORDINANCE 006-75,
REGARDING RULES OF CONDUCT

WHEREAS, Section 31 of the Metropolitan Transit Authority Act empowers the Chicago Transit Board ("Board") to pass all ordinances and make all rules and regulations which are proper and necessary to regulate the use, operation, and maintenance of its property and facilities and to adopt fines and penalties for that purpose; and

WHEREAS, On September 11, 1991, the Board adopted Ordinance No. 91-170 governing the use of paid areas of Chicago Transit Authority ("Authority") rail property; and

WHEREAS, On February 8, 1994, the Board passed Ordinance No. 94-27, amending and restating Ordinance No. 91-170 governing live performances on property owned, operated, or maintained by the Authority; and

WHEREAS, On November 12, 1998, the Board passed Ordinance No. 98-126, establishing rules of conduct to promote health, safety, and welfare on property owned, operated, and maintained by the Authority, thereby establishing uniform penalties for the ordinance violations; and

WHEREAS, On April 21, 1999, the City Council of the City of Chicago amended Chapter 10-8-526 of the Municipal Code of Chicago to give the Chicago Police Department authority to enforce the provisions of Chicago Transit Authority Ordinance No. 98-126 and any subsequent amendments of Ordinance No. 98-126 within the areas of its jurisdiction on the transit system; and

WHEREAS, On June 14, 2006, the Board passed Ordinance No. 006-75, incorporating the provisions of Ordinance No. 94-27 into Ordinance No. 98-126 in order to ensure that the Chicago Police Department had the express authority to enforce all of the provisions of Ordinance No. 94-27; and

WHEREAS, On June 11, 2014, the Board passed Ordinance No. 014-60 amending Section 2.8 of Ordinance No. 006-75; and

WHEREAS, On September 14, 2016, the Board passed Ordinance No. 016-110 amending Sections 1 through 5 of Ordinance No. 006-75 while leaving Sections 6 through 17 of Ordinance No. 006-75 in full force and effect and leaving Ordinance No. 014-60 in full force and effect; and

ORDINANCE NO. 024-2
(Continued) -2

WHEREAS, Ordinance No. 016-110 added the penalties of suspension of riding privileges on the Authority's system and confiscation of fare media in Section 3 of the ordinance; and

WHEREAS, On July 15, 2020, the Board passed Ordinance No. 020-060 requiring facial coverings on Authority property until the State of Illinois and City of Chicago ended such mask requirements, and the mask requirement on Authority property was terminated in April 2022; and

WHEREAS, The Authority has an interest in ensuring that its transportation system is safe for its employees and customers and that riders are provided due process when suspended; and

WHEREAS, Illinois Public Act 103-0281 amended the Regional Transportation Authority Act to enact requirements for suspension of riders and accompanying confiscation of fare media, effective January 1, 2024; now, therefore:

BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. Ordinance No. 016-110 is amended to clarify that all suspensions of riders and confiscation of fare media for the reasons set forth within Section 2.40 of the Regional Transportation Authority Act must comply with the requirements of that Section as well as Section 31 of the Metropolitan Transit Authority Act, and all other applicable law.

SECTION 2. Section 1 of Ordinance No. 016-110 is amended by removing Rule No. 37 related to the Covid-19 pandemic from the rules of conduct for the Authority's transportation system and property. Ordinance No. 020-060 is hereby repealed.

SECTION 3. Section 1 of Ordinance No. 016-110 is further amended by adding new Rule No. 37 to the rules of conduct for the Authority's transportation system and property as follows:

Type of Conduct		Transit Vehicles	Other CTA Property
(37)	Other conduct as identified in Section 2.40(b) of the Regional Transportation Authority Act, as amended, including Assault, Battery, Criminal Sexual Assault, and Public Indecency, as those terms are defined in the Illinois Criminal Code.	Prohibited	Prohibited

ORDINANCE NO. 024-2
(Continued) -3

SECTION 4. Ordinance No. 016-110 is further amended by adding the following procedures for suspension of ridership privileges:

- A. CTA may pursue suspensions of riders and accompanying confiscation of fare media for violations that involve the conduct identified in Section 2.40(b) of the Regional Transportation Authority Act, as amended, including Assault, Battery, Criminal Sexual Assault, and Public Indecency, as those terms are defined in the Illinois Criminal Code.
- B. Any rider who is suspended or has fare media confiscated as noted in Sec. 4.A shall be provided written notice of the violation that includes the nature of the suspension/confiscation, rights and remedies to contest or appeal and apply for reinstatement, and procedures for adjudicating whether the suspension/confiscation is warranted and applying for reinstatement, including the time and location of the hearing.
- C. The accused shall have a right to a hearing to contest the suspension and be permitted to have legal counsel or other representation present during the hearing.
- D. The President of the Authority or designee, in consultation with the General Counsel of the Authority or designee, is authorized to appoint an impartial administrative law judge or hearing officer to preside over each hearing.
- E. The Authority shall present and outline the evidence that supports the suspension at the hearing. The Authority, at its option, may choose to rely upon its notice of violation to satisfy its prima facie case.
- F. The accused and related parties, including legal counsel, may attend the hearing in person, by telephone, or virtually and the accused or counsel may make an oral or written presentation and offer documents, including affidavits, in response to the Authority's evidence.
- G. The alleged victims and related parties, including witnesses who were present, may attend the hearing in person, by telephone, or virtually and may make an oral or written presentation and offer documents, including affidavits, in response to the Authority's evidence.
- H. The administrative law judge or hearing officer shall make a written finding on the suspension/confiscation within 30 business days after the individual receives notice of the suspension/confiscation.

ORDINANCE NO. 024-2
(Continued) -4

- I. At the time of the final decision of the administrative law judge or hearing officer, the suspended rider shall be informed of the decision and the right to appeal by taking action to have the decision reviewed by the Circuit Court of Cook County, and if upheld by the Circuit Court, appeal to the Illinois Appellate Court.
- J. The value of unexpended credit or unexpired passes shall be reimbursed upon suspension of ridership or confiscation of fare media.
- K. A suspended rider may petition the Authority for reinstatement one year after the suspension finding if the length of the suspension is more than one year.
- L. The Authority shall collect, report, and make publicly available the information regarding ridership suspensions required by 70 ILCS 3615/2.40(f) each quarter.

SECTION 5. Ordinance No. 016-110 remains in full force and effect in all other respects.

SECTION 6. Sections 6 through 17 of Ordinance No. 006-75 remain in full force and effect.

SECTION 7. Ordinance No. 014-60 remains in full force and effect.

SECTION 8. This ordinance shall be in full force and effect ten (10) calendar days after it is published in a newspaper of general circulation published in the metropolitan area, as required by the Metropolitan Transit Authority Act, 70 ILCS 3605/31.

APPROVED:

PASSED:

Chairman

Secretary

January 18, 2024

January 18, 2024